



# Maine PE News

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## Proper Use of the PE Seal in Maine

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Becoming licensed as a professional engineer is a career milestone for an engineering graduate. One of the first actions many newly licensed engineers take upon receiving the news of licensure is to obtain a professional engineer's seal.

### What is the purpose of the professional engineer's seal?

The professional engineer's seal signifies that the person whose name appears on the seal has met the high standards required for professional engineering practice and is qualified to practice professional engineering within the jurisdiction shown on the seal. The seal's design and size; the prominent display of the jurisdiction, profession, the name of the licensee, and the professional engineer's unique license number all combine to indicate the vesting of a public trust and responsibility onto that particular engineer.

The seal applied to a document acts as an attestation of the professional engineer's competence and an authorization to practice the profession of engineering. The applied seal signifies that the document complies with professional engineering standards and that the engineer has prepared, supervised, or reviewed the document that the seal has been affixed to. Possession of a seal requires the professional engineer to use the seal in a competent, trustworthy, and responsible manner.

Physically placing the seal, signature, and date on a document is meant to impress on the professional engineer a sense of responsibility for his or her actions. The seal attests to the engineer's responsibility for the information or services the document represents. While many people may work on the project and several may be responsible for portions of the engineering services, the individual that takes ultimate responsibility for the contents of the document and services is the professional engineer whose seal is affixed to the document along with his or her signature and the date of signing.

### Is obtaining a professional seal mandatory?

Obtaining a professional seal in Maine is not mandatory. 32 M.R.S.A. § 1355.

### Inside this issue:

- |                                 |   |
|---------------------------------|---|
| Proper Use of the PE Credential | 1 |
| FE results                      | 2 |
| PE Results                      | 2 |
| Complaint Flow Chart            | 3 |
| NCEES Notes                     | 4 |
| Lower Exam Prices               | 4 |
| New Board Member                | 4 |

# Proper Use of the PE Seal (cont.)

## **When should the seal appear on a document?**

The seal, along with a signature and the date signed, should appear on a document when three conditions occur. All three conditions must be met or the document should not leave the engineer's possession. The first requirement is that the professional engineer's seal should only appear on documents either prepared by the professional engineer, personally reviewed by the professional engineer, or that comprise part of the services performed under the supervision of the professional engineer. Application of the seal indicates that the professional engineer takes full responsibility for the contents of the documents or that portion of the document clearly indicated. Second, the seal must only be placed on documents that conform to acceptable engineering standards. Third, the seal must be affixed to all documents such as plans, calculations, specifications, plats, and reports issued by the professional engineer to any public agency or to a person or entity outside of the engineering firm except in those cases where the document clearly communicates that the information in the document is not a final rendition and should not be relied upon as a completed document. See 32 M.R.S.A. § 1355 and 02-322 C.M.R. ch. 2, § 9 (2015)

## **Should the seal be placed on a letter I prepare and mail to the client when the letter simply informs my client that the services have been completed along with a brief summary of my opinion?**

A seal would be required on the letter described. While a letter that simply contains billing information, receipt for a fee received, or other administrative matters does not need to contain a seal, any document that contains a professional engineering opinion could be fairly construed to be a report and would require a seal. It is the content of the document, rather than the form, that creates the need for the seal. 02-322 C.M.R. ch. 2, § 5 (2015).

## **Our firm often sends the client a preliminary, draft, or progress report for services that are not complete or in final form. Does this report have to contain a professional seal?**

The report must contain a seal unless the report clearly indicates on the face of the document a statement such as "PRELIMINARY," "DRAFT," "NOT FOR CONSTRUCTION," or some other phrasing clearly indicating the preliminary nature of the document. The statement employed on the face of the document must be prominently displayed and sufficiently self-explanatory to forewarn the reader that the contents of the document are incomplete, may be revised, and should not be relied upon. 02-322 C.M.R. ch. 2, § 6 (2015).

## **Does the seal have to be in a specific form?**

The seal must comply with the design authorized by the State Board of Licensure. The seal must contain the name of the licensee, the term "Licensed Professional Engineer," and the license number of the professional engineer as shown. See 32 M.R.S.A. § 1355 and 02-322 C.M.R. ch. 2, § 9(1) (2015).

The sole exception to using this design is when a licensed professional engineer from another jurisdiction is practicing in Maine under a temporary license issued by the State of Maine. Licensees holding a Temporary License stamp all plans, specifications, reports or calculations with the seal of their home jurisdiction and write beneath that seal the Maine Temporary License number, along with their signature and the date. 02-322 C.M.R. ch. 2, § 9(11) (2015).



## Proper Use of the PE Seal (cont.)

### **Are there requirements on how to affix the seal to the document?**

The seal may be an embossing seal, ink seal, or digital seal. 02-322 C.M.R. ch. 2, § 9(1,3) (2015).

### **Does other information have to appear in conjunction with the seal?**

The engineer's signature and date must always be included with the seal. The seal alone is insufficient and violates Board rules unless accompanied with a signature and date. There is no exception for digital documents. A signature and date must appear with and adjacent to the electronically generated seal on all digital documents. A digital signature may be used. 02-322 C.M.R. ch. 2, § 9(3) (2015).

Also included with the seal would be a statement of any limitations on the engineer's responsibilities. For example, if a building design is issued and the professional engineer is only taking responsibility for the structural elements of the design and not the electrical and mechanical elements shown in the design, that limitation must be clearly stated. The seal, date, and signature of other professional engineers taking responsibility for the electrical and mechanical engineering services must also be included (so long as these areas constitute the practice of engineering). Failure to note any limitation will mean the engineer sealing the document takes responsibility for all engineering services. 02-322 C.M.R. ch. 2, § 9(5-9) (2015).

If the document contains more than one page, the pages are not bound, and the engineer seals only the first page, the number of pages in the document must be noted near the seal. 02-322 C.M.R. ch. 2, § 9(7,9) (2015).

It should also be noted that an engineer issuing documents under a 30-day Temporary License must also state the Temporary License number below their out-of-state seal. 02-322 C.M.R. ch. 2, § 9(11) (2015).

### **Is there a required location for the seal to be placed?**

The professional seal is placed or located on each document so that the professional seal is obvious upon review of the document and the extent of the professional engineer's responsibility clear. On a bound set of plans, the seal can be placed on the cover, if the licensee is taking responsibility for the entire document, otherwise a notation of the sheets covered by each licensee's seal should be included. In a letter containing an opinion, the seal would ordinarily be found on the last page of the letter at the signature. 02-322 C.M.R. ch. 2, § 9(7-11) (2015).

### **Can the engineer be in violation of the law for using their seal?**

A professional engineer who uses a seal when their license is expired or has been suspended is in violation of the law. 32 M.R.S.A. § 1355

### **My employer keeps a rubber stamp of his seal in a drawer. It is not uncommon for an employee to go into the drawer, remove the employer's rubber stamp of the seal, and stamp a drawing rather than the employer. Is this improper?**

The professional engineer is solely responsible for the proper use of the seal, even if directing someone else to make the seal imprint. Note that the seal alone is insufficient. The professional engineer must still affix their signature and the date of signing with the seal. 02-322 C.M.R. ch. 2, § 9(2,3) (2015).

### **Our engineering firm has plans in storage that were signed and sealed by engineers**

## Proper Use of the PE Seal (cont.)

**that have retired or left the firm. From time to time, these plans are revised and copies sent to clients. What impact does the revisions have when a seal has been affixed to the plans?**

No revisions should be made to plans or copies of a plan that have been sealed, signed, and dated unless another engineer takes responsibility for the revisions and seals, signs, and dates the plans clearly identifying the extent of the revisions made and that portion of the plan for which they are responsible. 02-322 C.M.R. ch. 2, § 9(10) (2015).

**We have electronic documents that were prepared by engineers that have subsequently retired or left the firm. None of these electronic documents contain a seal or if they do are not signed by the engineer. From time to time, these documents are re-issued in whole or part. Can any PE seal and sign these documents?**

Any licensed Professional Engineer can seal any engineering document they have prepared or reviewed or which was prepared or reviewed under their supervision, and for which they are willing to take full legal responsibility by affixing their seal, signature and date. This liability attaches whether they receive compensation or not. 02-322 C.M.R. ch. 2, § 9(7) (2015).

**I have heard about seals being copied, used fraudulently by other persons, or being placed on documents that are altered without the knowledge of the PE who originally sealed them. How can I keep my seal from being used fraudulently?**

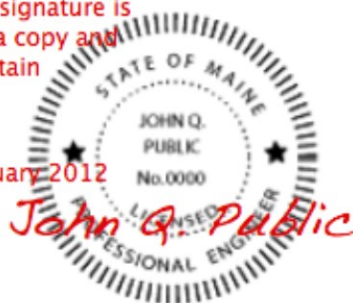
The professional engineer should keep possession or control of her or his seal, whether physical, or electronic, or digital. The seal should not be accessible to others for use without the consent of the professional engineer. It may be prudent not to seal an original document that will remain in storage within the firm and could be used later to make copies. Instead, seal each individual copy at the time it is to be sent.

Where a digital seal is used, send the client a paper copy containing the seal, signature, and date. Digital copies can be sent without the seal but must contain a clear notice on the digital copy that the digital copy is provided at the client's request and is not the official copy. Only the paper copy that is signed, sealed, and dated is the official copy and should be relied upon. 02-322 C.M.R. ch. 2, § 9(6)(C) (2015).

A document that uses a crimp or embossed seal generally cannot be altered and copied without that copy being obvious. (The embossed seal does not copy.) However, the crimp seal is difficult to use on mylar, will not appear on digital copies, and must generally be placed near the edge of the document given the reach of the crimper. One method to place an embossed seal anywhere on the drawing is to emboss on gold, metal, mylar, or paper "leaf" and firmly affix the leaf to the document so it cannot be removed without destroying the leaf or the document.

If this note and engineer's signature is not red, this document is a copy and should be assumed to contain unauthorized alterations.

Dated this 3rd day of January 2012



In the past, a process similar to using an embossed leaf was accomplished by dropping hot wax on the document, then immediately pressing a seal into the wax while the wax was still warm and pliable.

If a rubber ink stamp is used, best practice would indicate the engineer should vary the color on the signature, seal, or both and include a note (as shown in the example) so a fraudulent or unauthorized copy can be detected. #